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passenger? Yes, I could. Does it happen very often? No, I think in the general course of things I am riding along and you are watching the signposts or you weave over on the road and hit somebody, if you were high on cocaine and I knew it, now that is a different theory of law. You know that might be...I might have assumed the risk of getting into the motor vehicle with you because you were impaired and I knew it.

SENATOR SCHMIT: Well, you just answered the question in the first place, because as you implied when you said you'd be scared to get in the car with me, you were guilty of contributory negligence by getting in the car with me. You knew the risk you were taking when you got in the car, is that right?

SENATOR KRISTENSEN: No, different set of fact situations. There has always been a danger riding with someone who you don't know their driving skills or have seen them in the past operate a motor vehicle that you might have a general discomfort level, but that, in and of itself, is not assumption of risk. There has to be a specific danger. Just getting into the car with someone who is a fast driver or one who likes to talk and not pay attention may not be an assumption of risk, probably would not be.

SENATOR SCHMIT: Well, thank you, Senator.

SPEAKER BAACK: Thank you, Senator Schmit. We will now proceed to the next speaker, Senator Pirsch.

SENATOR PIRSCH: Thank you. I have a question of Senator Kristensen, too. I was going to save my comments for the original bill, but this brought up, Senator Schmit brought up a question in my mind. If you were a passenger in a car and you didn't use a seat belt, would that not be contributory negligence?

SPEAKER BAACK: Senator Kristensen, will you respond?

SENATOR KRISTENSEN: No, because the seat belt, that goes to the mitigation of damages, the injuries that you occurred. Your use of the seat belt would have nothing to do whether the injury, itself, or the accident was caused. So by not having the seat belt wouldn't be the proximate cause of the accident.

SENATOR PIRSCH: Even though you flew out of the car and